

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DALE W. HART,

Plaintiff,

V.

MICHAEL ASTRUE, Commissioner of
Social Security Administration,

Defendant.

CASE NO. C07-5536FDB

ORDER ADOPTING THE
REPORT AND
RECOMMENDATION AND
AFFIRMING THE
ADMINISTRATIVE DECISION

Plaintiff, born in 1953, alleges disability since September 1, 1994 due to right arm pain, carpal tunnel syndrome, chronic bronchitis/emphysema, a personality disorder, and dysthymia. Plaintiff takes no pain medications for his various aches and pains, nor psychiatric medication for his mental concerns. Plaintiff has no reported earnings since 1994, and no earnings in any given year above \$5,600.00.

Plaintiff objects to the Report and Recommendation concluding that the administrative decision should be affirmed asserting that the R&R does not address the hand limitations, did not properly assess the manner in which the ALJ considered Dr. Corpolongo's DSHS evaluations and opinions or the ALJ's rejection of limitations identified by Dr. Neims, and that the residual functional capacity was improperly formulated.

The Court's review of the transcript, the ALJ's decision, and the documentation in the record, concludes that the administrative decision must be affirmed. The Court agrees with the analysis in the Magistrate Judge's Report and Recommendation.

The Court, having reviewed plaintiff's complaint, the Report and Recommendation of Judge J. Kelley Arnold, United States Magistrate Judge, and objections to the report and recommendation, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) The administrative decision is AFFIRMED; and
- (3) The Clerk is directed to send copies of this Order to plaintiff's counsel, defendant's counsel and Magistrate Judge J. Kelley Arnold.

DATED this 9th day of June 2008.


FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE